

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

ANTONIO D. SHERFIELD, SR.,

Plaintiff,

v.

FNU DIAZ, et al.,

Defendants.

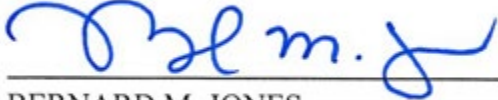
Case No. CIV-23-1037-J

**ORDER**

Plaintiff, a state prisoner appearing pro se, filed a complaint alleging violations of his civil rights under 42 U.S.C. § 1983. This matter was referred to United States Magistrate Judge Suzanne Mitchell consistent with 28 U.S.C. § 626(b)(1)(B),(C). [Doc. No. 4]. Thereafter, Judge Mitchell issued a Report and Recommendation recommending the complaint be dismissed without prejudice based upon Plaintiff's failure to state a claim upon which relief may be granted. [Doc. No. 29]. Plaintiff was advised of his right to object to the Report and Recommendation by July 16, 2024. No objection has been filed. Plaintiff has therefore waived any right to appellate review of the factual and legal issues in the Report and Recommendation. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

Accordingly, the Court ADOPTS the Report and Recommendation [Doc. No. 29] and DISMISSES the complaint without prejudice.

IT IS SO ORDERED this 5<sup>th</sup> day of August, 2024.

  
BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE